

SENATE BILL 3676

By Bunch

AN ACT to amend Tennessee Code Annotated, Title 47,
Chapter 9, Part 5, relative to secured transactions.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF TENNESSEE:

SECTION 1. Tennessee Code Annotated, Section 47-9-503, is amended by
deleting subsection (a) in its entirety and by substituting instead the following:

(a) A financing statement sufficiently provides the name of the debtor:

(1) If the debtor is a registered organization, only if the financing
statement provides the name of the debtor indicated on the debtor's formation
documents that are filed of public record in the debtor's jurisdiction of
organization to create the registered organization and that show the debtor to have
been organized, including any amendments to those documents for the express
purpose of amending the debtor's name;

(2) If the debtor is a decedent's estate, only if the financing
statement provides the name of the decedent and indicates that the debtor
is an estate;

(3) If the debtor is a trust or a trustee acting with respect to property held
in trust, only if the financing statement:

(A) Provides the name specified for the trust in its organic
documents or, if no name is specified, provides the name of the settlor and
additional information sufficient to distinguish the debtor from other trusts
having one (1) or more of the same settlors; and

(B) Indicates, in the debtor's name or otherwise, that the debtor
is a trust or is a trustee acting with respect to property held in trust;

(4) If the debtor is an individual, only if the financing statement provides the individual's name shown on one of the following:

(A) A state-issued driver's license or identification card issued in lieu of a driver's license;

(B) A birth certificate;

(C) A passport;

(D) A social security card; or

(E) A government-issued military identification card; and

(5) In other cases:

(A) If the debtor has a name, only if it provides the individual or organizational name of the debtor; and

(B) If the debtor does not have a name, only if it provides the names of the partners, members, associates, or other persons comprising the debtor.

SECTION 2. Tennessee Code Annotated, Section 47-9-516(b)(3), is amended by deleting subdivision (D) in its entirety and by substituting instead the following:

(D) In the case of a record filed or recorded in the filing office described in § 47-9-501(a)(1), the record does not provide the name of the debtor and a sufficient description of the real property to which it relates;

SECTION 3. It is the legislative intent to create a broad safe harbor for the use of a debtor's name in any form permitted by this act. To this end, this act applies to any filings made both before and after May 1, 2008; provided, however, any filing made prior to May 1, 2008, that was validly filed but which does not conform to the requirements of this act shall continue to be valid and the secured party shall nevertheless benefit from the safe harbor

created hereby and no amendment shall be required to conform to the requirements of this act.

SECTION 4. This act shall take effect on May 1, 2008, the public welfare requiring it.